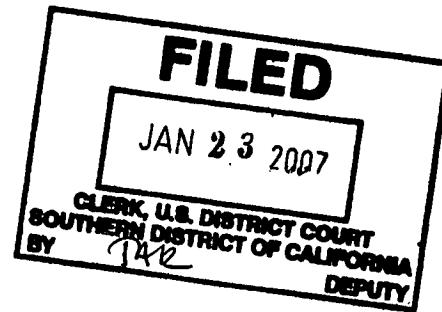


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7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

**Magistrate Case No. 07MJ8017**

07CR0147-BEN

**Plaintiff,**

**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

**Defendant.**

## **(Pre-Indictment Fast-Track Program)**

16       **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
17 OF AMERICA, by and through its counsel, Carol C. Lam, United States Attorney, and William A.  
18 Hall Jr., Assistant United States Attorney, and defendant FELIX FRANCISCO PADILLA-VELIZ,  
19 by and through and with the advice and consent of defense counsel, Martin G. Molina, that:

20       1.     Defendant agrees to execute this stipulation on or before the first preliminary hearing  
21 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
22 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
23 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
24 of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii)  
25 and (v)(II).

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1           2. Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **February 7, 2007**.

6           4. The material witnesses, Maria Del Pilar Aguirre-Gonzalez, Ramiro Cruz-Roman and  
7 Juvenal Nunez-Rodriguez, in this case:

8               a. Are aliens with no lawful right to enter or remain in the United States;  
9               b. Entered or attempted to enter the United States illegally on or about  
10 January 6, 2007;

11               c. Were found in a vehicle driven by defendant near Calexico, California and  
12 that defendant knew or acted in reckless disregard of the fact that they were aliens with no lawful  
13 right to enter or remain in the United States;

14               d. Were paying and having others pay on their behalf an undisclosed amount and  
15 \$1,500 to others to be brought into the United States illegally and/or transported illegally to their  
16 destination therein; and,

17               e. May be released and remanded immediately to the Department of Homeland  
18 Security for return to their country of origin.

19           5. After the material witnesses are ordered released by the Court pursuant to this  
20 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
21 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any  
22 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral  
23 attack, that:

24               a. The stipulated facts set forth in paragraph 4 above shall be admitted as  
25 substantive evidence;

26           //

27           //

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Felix Francisco Padilla-Veliz (1)

b. The United States may elicit hearsay testimony from arresting agents regarding any statements made by the material witness(es) provided in discovery, and such testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest of (an) unavailable witness(es); and,

5 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
6 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted  
7 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant  
8 waives the right to confront and cross-examine the material witness(es) in this case.

9       6. By signing this stipulation and joint motion, defendant certifies that defendant has  
10 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
11 further that defendant has discussed the terms of this stipulation and joint motion with defense  
12 counsel and fully understands its meaning and effect.

13       Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
14 immediate release and remand of the above-named material witness(es) to the Department of  
15 Homeland Security for return to their country of origin.

16 It is STIPULATED AND AGREED this date.

Respectfully submitted,

**CAROL C. LAM**  
United States Attorney

20 Dated: 11/23/07.

~~WILLIAM A. HALL JR.~~

**Assistant United States Attorney**

22 Dated: 11/28/07

MARTIN G. MOLINA  
Defense Counsel for PADILLA-VELIZ

25 || Dated:

X. Francisco Padilla  
FELIX FRANCISCO PADILLA-VELIZ  
Defendant

**28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Felix Francisco Padilla-Veliz (1)**

## ORDER

Upon joint application and motion of the parties, and for good cause shown,

3 | THE STIPULATION is admitted into evidence, and,

4           **IT IS ORDERED** that the above-named material witness(es) be released and remanded  
5 forthwith to the Department of Homeland Security for return to their country of origin.

6 | SO ORDERED.

7 Dated: 1-23-07

United States Magistrate Judge

United States Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff ) CRIMINAL NO. 07CR0147-BEN  
vs. ) ORDER  
Felix Francisco Padilla-Veliz )  
Defendant(s) ) RELEASING MATERIAL WITNESS  
                                ) Booking No.  
                                )

On order of the United States District/Magistrate Judge, **PETER C. LEWIS**

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed / Order of Court)

Maria del Pilar Aguirre-Gonzalez  
00376298

GED

DATED: 1/23/07

**PETER C. LEWIS**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

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OR

W. SAMUEL HAMRICK, JR. Clerk

by *W. Samuel Hamrick, Jr.*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff )

) CRIMINAL NO. 07CR0147-BEN

) vs. )

*Felix Francisco Padilla-Veliz*

Defendant(s) )

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

**PETER C. LEWIS**

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed / Order of Court)

*Ramiro Cruz-Roman*

*00375298*

*GEO*

DATED: 1/23/07

**PETER C. LEWIS**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

*Lan*

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OR

W. SAMUEL HAMRICK, JR. Clerk

by *Susan Rivera-Ryan, Jr.*

Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )

Plaintiff )

CRIMINAL NO. 07CR0147-BEN

) vs. )

*Felix Francisco Padilla-Veliz*

ORDER

Defendant(s) )

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

**PETER C. LEWIS**

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed / Order of Court).

*Juvenal Nunez-Rodriguez*

*00374298*

*GEO*

DATED: 1/23/07

**PETER C. LEWIS**

UNITED STATES DISTRICT/MAGISTRATE JUDGE

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DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

*by Sere-Alma R. Jones, Jr.*

Deputy Clerk